UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,412	10/12/2000	Howard J. Glaser	STL920000092US1	1235

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE , J46/G4
SAN JOSE, CA 95141

EXAMINER
GROSS, KENNETH A

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/687,412	GLASER ET AL.
	Examiner	Art Unit
	Kenneth A Gross	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2*

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to the amendment filed on August 15th, 2003.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3, 6-8, and 11-13 recite the limitation "the item" in the "retrieving an updated item" step of these claims. It is unclear as to which item "the item" is referring to. It is understood that "the item" represents any items that have been updated, as discovered in the previous step, however, this needs to be corrected. Claims 1-3, 6-8, and 11-13 recite the limitations "have been updated" and "has been updated". It is unclear as to exactly what it means to be "updated". Does "updated" mean that the items specific to the application configuration have already been updated in the application, or that the general item has updates available elsewhere that the application is in need of? Claims 1-2, 6-7, and 11-12 recite the limitation "building the application program". What does it mean specifically to build the application program? It was stated previously that the application program currently exists. So, does "building the application program" actually imply *rebuilding* of the application program? Or simply updating the application program with the updated item? Claims 4, 9, 10, 14, and 15 are rejected for being dependent on a rejected parent Claim.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kenner et al. (U.S. Patent Number 6,314,565) and further in view of Stedman et al. (U.S. Patent

Number 6,262,726).

In regard to Claim 1, Kenner teaches: (a) defining a configuration of the application

program (Column 7, lines 5-12); (c) determining if any items described in the configuration have

been updated (Column 7, lines 12-16); (d) retrieving an updated item if the item has been

updated (Column 8, lines 18-29); (e) building the application program with the updated item

(Column 8, lines 30-41). Kenner does not teach that the configuration of the application program

is a user configuration, nor does he teach determining that the user configuration corresponds to

the particular user. Stedman, however, does teach storing user configurations of an operating

system for the purposes of application customization (Column 6, lines 58-62), and further

teaches authenticating a particular user when the particular user attempts to initialize the

operating system (Column 6, lines 55-58), and hence assuring that the user configuration

corresponds to the user being authenticated. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to define a configuration of the application

program, determine if any items described in the configuration have been updated, retrieve an

updated item if the item has been updated, and build the application program with the updated

item, as taught by Kenner, where the configuration of the application program is a user

configuration, and determining that the user configuration corresponds to the particular user, as

taught by Stedman, since this allows different users to access different requested software from

the same machine.

Claims 6 and 11 correspond directly with Claim 1, and are rejected for the same reasons

as Claim 1.

6.   Claims 2, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kenner et al. (U.S. Patent Number 6,314,565) in view of Stedman et al. (U.S. Patent Number

6,262,726) and further in view of Hsu (U.S. Patent Number 5,894,515).

In regard to Claim 2, Kenner and Stedman teach the article of manufacture of Claim 1,

and further teaches: (a) storing the configuration in a manifest file (Column 7, lines 8-12 and

lines 17-32); (b) determining if any items described in the configuration have been updated

(Column 7, lines 12-16); (c) retrieving an updated item if the item has been updated (Column 8,

lines 18-29); (d) building the application program with the updated item (Column 8, lines 30-41),

where the configuration is a user configuration, as taught by Stedman (Column 6, lines 58-62).

Kenner does not teach encrypting the configuration, authorizing a user in response to a user

request for the application program, and decrypting the manifest file to produce a decrypted

configuration. Hsu, however, does teach encrypting data, authorizing a user, and in response to

authorizing a user, decrypting the data (Column 1, lines 13-21). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to construct the article of

manufacture of Claim 1, and further storing the configuration in a manifest file, determining if

any items described in the configuration have been updated, retrieving an updated item if the

item has been updated, and building the application program with the updated item, as taught by

Kenner, where the configuration is a user configuration, as taught by Stedman (Column 6, lines

58-62), and further encrypting the configuration, authorizing a user in response to a user request

for the application program, and decrypting the manifest file to produce a decrypted

configuration, as taught by Hsu, since this protects the configuration for being view from

unauthorized users.

Claims 8 and 14 correspond directly with Claim 2, and are rejected for the same reasons

as Claim 2.

In regard to Claim 5, Hsu teaches decrypting data (Column 1, lines 13-21) and Kenner

teaches building the application program according to a configuration (Column 8, lines 30-41),

where the configuration is a user configuration, as taught by Stedman (Column 6, lines 58-62).

Hsu does not explicitly teach authenticating a particular user in response to a request for

application build, however, since the information is encrypted, in order to build the application, it

must be decrypted by a decryption process on the local computer system. Thus, this decryption

acts as an authentication process, since only an authorized user knows the decryption process.

Claims 11 and 17 correspond directly with Claim 5, and are rejected for the same reasons

as Claim 5.

7.   Claims 3, 4, 8, 9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kenner et al. (U.S. Patent Number 6,314,565) in view of Stedman et al. (U.S. Patent

Number 6,262,726) and further in view of Hsu (U.S. Patent Number 5,894,515) and Hayes, Jr.

(U.S. Patent Number 6,205,476).

In regard to Claim 3, Kenner and Stedman teach the article of manufacture of Claim 1,

and Kenner further teaches: (a) storing the configuration in a manifest file (Column 7, lines 8-12

and lines 17-32); (b) determining if any items described in the configuration have been updated

(Column 7, lines 12-16); (c) retrieving an updated item from a remote data processing system

according to the configuration if the item has been updated (Column 8, lines 18-29 and Figure 3),

where the configuration is a user configuration, as taught by Stedman (Column 6, lines 58-62).

Kenner does not teach encrypting the configuration, authorizing a user in response to a user

request for the application program, and decrypting the manifest file to produce a decrypted

configuration. Hsu, however, does teach encrypting data, authorizing a user, and in response to

authorizing a user, decrypting the data (Column 1, lines 13-21). Neither Kenner nor Hsu teach

downloading the manifest file from the remote data processing system to the local data

processing system. Hayes, however, does teach storing user-specific application configuration

preferences, and transmitting the preferences to the local user system (Column 22, lines 55-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to construct the article of manufacture of Claim 1, further storing the configuration in a

manifest file, determining if any items described in the configuration have been updated,

retrieving an updated item from a remote data processing system according to the configuration

if the item has been updated, as taught by Kenner, where the configuration is a user

configuration, as taught by Stedman (Column 6, lines 58-62), and further encrypting the

configuration, authorizing a user in response to a user request for the application program, and

decrypting the manifest file to produce a decrypted configuration, as taught by Hsu, since

computer configuration information may contain sensitive data, and encryption allows only

authorized users to access the data, where the configuration file is stored on the remote system

and transferred to the local system, since this allows for a more organized and more central

repository of user application preferences.

Claims 8 and 13 correspond directly with Claim 3, and are rejected for the same reasons

as Claim 3.

In regard to Claim 4, Kenner teaches downloading data from the remote system to the

local system based on the configuration (Column 7, lines 12-16 and Column 8, lines 18-29),

where the configuration is a user configuration, as taught by Stedman (Column 6, lines 58-62).

Claims 9 and 14 correspond directly with Claim 4, and are rejected for the same reasons

as Claim 4.

In regard to Claim 5, Stedman teaches authenticating a particular user in response to the

particular user requesting the application program (Column 6, lines 55-57). Kenner teaches

downloading data from the remote system to the local system based on the configuration

(Column 7, lines 12-16 and Column 8, lines 18-29), where the configuration is a user

configuration, as taught by Stedman (Column 6, lines 58-62).

Claims 10 and 15 correspond directly with Claim 5, and are rejected for the same reasons

as Claim 5.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-15 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542.

The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG

TUAN DAM
SUPERVISORY PATENT EXAMINER